IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

H.C.P.No.550 of 2006

Murugan .. Petitioner

-vs-

1.State of Tamil Nadu
Rep. by its Secretary to Government
Prohibition and Excise Department,
Fort St.George,
Chennai 600 009.

2.The Commissioner of Police
Greater Chennai
Chennai. .. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the entire records, related to the petitioner's detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 17.04.2006 on the file of the second respondent herein made in proceedings No.133 of 2006, quash the same as illegal and consequently direct the respondents herein to produce the said petitioner namely Murugan before this Court and set the petitioner at liberty from detention, now detained in Central Prison, Chennai.

For Petitioner : Mr.C.C.Chellappan
For Respondents : Mr.M.Babu Muthu Meeran,
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The detenu, by name Murugan, who is detained as a 'Boot-legger' under Tamil Nadu Prevention of Dangerous activities of Boot-leggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14, 1982), challenges the same in this petition.

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2. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

3. At the foremost, learned counsel for the petitioner submitted that though the detenu was arrested on 14.02.2006 in respect of the ground case, the detention order was passed only on 17.04.2006 that is nearly after two months. According to the counsel, in the absence of proper explanation by the person concerned, the detention order is liable to be quashed.

4. It is not in dispute that after the arrest of the detenu on 14.02.2006 and after collecting contraband, the Sponsoring Authority has received the chemical analysis report within a period of seven days. Further, all the three adverse cases and the ground occurrence relates to one and the same Police Station, namely St.Thomas Mount, P.E.W Wing.

5. In such circumstances, we are of the view that the delay in passing the detention order vitiates the impugned order of detention. On this ground, the order impugned is liable to be quashed.

6. Accordingly, the Habeas Corpus Petition is allowed and impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith from the custody unless he is required in connection with any other case or cause.

gms

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government,State of Tamil Nadu
Prohibition and Excise Department,Fort St.George, Chennai 600 009.

2.The Commissioner of Police,Greater Chennai,Chennai.

3.The Superintenden,Central Prison, Chennai.

4.The Joint Secretary to Government, Public (L&O) Department, Fort St.George,Chennai-9.

5.The Public Prosecutor, High Court, Chennai.

+ one cc to Mr.C.C.Chellappan, Advocate SR.No.35123.

GM (CO)
RSM/19.8.2006

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